

# Notice of Allowability

Application No.

10/761,806

Examiner

Andrew M. Gilbert

Applicant(s)

KATAISHI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed on 1/16/2007.
2. ☒ The allowed claim(s) is/are 1,3,5,7,11,13,15,17,19 and 21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

KEVIN C. SIRMONS  
SUPERVISORY PATENT EXAMINER

*Kevin C. Sirmons*

*Andrew Gilbert*  
Andrew Gilbert  
3/22/2007

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The subject matter of the independent claim could either not be found or was not suggested in the prior art of record. The subject matter not found was a thrombus suction catheter having a flexible plastic tube having two lumens, an opening at the distal end of the catheter, an insertion port for a guidewire at a position apart from the distal end of the catheter, wherein the opening at the distal end of the catheter comprises a cut surface angled with respect to the axis of the catheter, the cut surface terminating into a tip that is necked down in an axial direction at the distal side of the cut surface and the necked-down tip including the second lumen for the guidewire, the cut surface including a first cut surface extending from the proximal side of the necked-down tip and angled in the proximal direction of the catheter, then a flat ledge surface substantially parallel to the longitudinal axis of the catheter and that extends from the first cut surface in the proximal direction, and then a second concave cut surface that extends from the proximal end of the ledge surface and is angled in the proximal direction of the catheter, and whereby the thrombus catheter has improved suction, reaching, and passage ability in a body to reach a lesion portion in a coronary artery in combination with the other elements of the claims.
3. The Examiner would also like to include the Applicant's remarks in the reasons for allowance, since the arguments made in the Remark's section helped to move the case in conditions for allowance and overcome the prior art rejection under 35 USC 103 of Bagaoisan in view of Windischman. First, as described in paragraph 1, pg 11 of the

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Remarks, the Applicant describes several contrasting differences between Bagaoisan and Windischman. Secondly, as described in paragraph 1, pg 12 of the Remarks, the Applicant details that the function of the claimed structure of the cut surface of the thrombus catheter (ie – the first cut surface, ledge surface, and second concave surface) are provided to improve suction, reaching ability, and passage in a body to a lesion portion in a coronary artery. Whereas, the structure of the cut surfaces on the needle tip in Windischman do not possess and are not capable of functioning to improve suction, reaching ability and passage in a body to a lesion portion in a coronary artery for at least such reasons as that Windischman could not be inserted in a body to allow the catheter to reach a lesion portion in the coronary arteries.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mori (2006/0276774) discloses a similar thrombus catheter and is by the same assignee and has a similar inventor as the current application; however, the filing date is after the present application and the claims are directed towards different subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571)

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272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Gilbert

KEVIN C. SIRMONS  
SUPERVISORY PATENT EXAMINER

